

LIEBERMAN  
PL 1/4

**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D. C. 20548

3/223

**FILE:** B-218502.2

**DATE:** May 17, 1985

**MATTER OF:** Apollo Bedding, Inc.

**DIGEST:**

GAO generally will not review a contracting officer's determination of nonresponsibility with respect to a small business bidder since by law the Small Business Administration is empowered to determine conclusively that a small business firm is responsible.

Apollo Bedding, Inc., a small business, protests the negative preaward survey and the nonresponsibility determination by the contracting officer made with respect to solicitation No. DLA100-85-B-0193 issued by the Defense Logistics Agency. We have been advised that this matter has been referred to the Small Business Administration (SBA) for the possible issuance of a certificate of competency (COC).

We dismiss the protest pursuant to our Bid Protest Regulations, 4 C.F.R. § 21.3(f)(3) (1985).

The SBA has statutory authority to review a contracting officer's determination of nonresponsibility and to determine that a small business is responsible by issuing a COC. 15 U.S.C. § 637(b)(7) (1982). Consequently, we will not undertake an independent review of a contracting officer's nonresponsibility determination relating to a small business bidder, since such review would be tantamount to a substitution of our judgment for that of the SBA. Belex Enterprises, Inc., B-217102, Nov. 28, 1984, 84-2 C.P.D. ¶ 587.

A handwritten signature in black ink, appearing to read "R. Strong".

Robert M. Strong  
Deputy Associate General Counsel

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